"War: Strategy *vs.* Ethics, Ethics *and* Strategy?"

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It is with equal measures if pride and trepidation that I take this podium --- in the wake of Admiral Chuck Larson and General Tony Zinni, both of whom are personal heroes to me. I want to thank and commend the Departments of Military Education for sponsoring this prestigious series, and in particular I want to thank Captain Lee Rosenberg and his team at the NROTC unit for all they have done to organize this week of events.

Over the ages war has generated an enormous literature, or rather, several literatures --- history, memoirs, fiction, strategy, and ethics. These last two are my focus this evening. Strategy and ethics are two bodies of literature, but they are also two logics and two languages. My opening question is, in the domain of war, what is the relationship between strategy and ethics, more specifically, are they fundamentally opposed to each other, or are they, at least in some ways, at least some of the time, compatible with each other?

I have organized my remarks in three parts:

(1) I will offer several answers to this basic question, concentrating, of course, on my own;
(2) I will elaborate on how strategy relates to war; and
(3) I will elaborate on how ethics relates to war.

## I. One Basic Question --- Three Answers

There are, of course, many possible answers to my opening question, what is the relationship between strategy and ethics in the business of war?

One answer, that of the pacifist, is that ethics and strategy (as the latter is usually construed and applied regarding the use of military force) are fundamentally in conflict, i.e., that violence is always wrong and that strategies for the use of violence, including military force, all run counter to the basic ethic of pacifism. For the pacifist, ethics trumps strategy, with the obvious exception of non-violent strategies, in which the two coincide.

Another answer, that of classical and contemporary Realism, has a similar bottom line, though arrived at by a quite different route. The Realist argues that war is a function of state interests, especially vital national interests; that as such, it is too important to be impeded by considerations of ethics; and therefore that ethics must be set aside in favor of strategy. The classic statement of the Realist position is in Thucydides' *History of the Peloponnesian* War, in particular in the Melian Dialogue, in which the Athenian argument is that this dialogue is about interests and power, and not about right and wrong. For the Realist, strategy trumps ethics. Oddly enough, the Realist position is not unlike that of Chairman Mao, who dismissed considerations of what he called "asinine ethics."

For both the pacifist and the Realist, strategy and ethics are not just two bodies of literature. Rather, they are two sets of ideas applied by two different sets of people for two quite different purposes, which are in fundamental opposition. The two languages don't translate well into each other, and the two logics point in different directions.

A third answer is the basic thesis of this lecture --- that, while there often is tension between the demands of strategy and the demands of ethics, there is no necessary or fundamental conflict between the two, and further that they can, and often do, point in the same direction, i.e., towards limits on war, and more broadly on the resort to and the use of military force. I do not argue that strategy and ethics are identical, or that they are always mutually reinforcing, only that they are not diametrically opposed in any fundamental sense.

Let me try now to illustrate how each of these two literatures, logics, languages contributes to placing limits on this most massively bloody of all human enterprises. My own thinking on strategy and ethics has its roots in a nineteenth-century Prussian officer and a fifth-century African bishop --- Carl von Clausewitz and Augustine.

## II. Strategy

My approach to strategy is Clausewitzian, because for me the 19th century Prussian soldier and scholar Carl von Clausewitz, now almost 200 years after he wrote, still has the most comprehensive view of war, develops the clearest and soundest strategic logic, and is the theorist most widely taught and applied among the U.S. armed forces. Indeed my own serious introduction to Clausewitz came when I joined the faculty of the National War College, which could be described as the "College of Clausewitz." I draw heavily on his work in this section; indeed I use his *On War* as my basic text.

Clausewitz begins his classic book by stating that war "is an act of force and there is no logical limit to the application of that force."[1] At least at the beginning of the book, war is an all-out thing: "To introduce the principle of moderation into the theory of war itself would always lead to logical absurdity."[2] This extreme or absolute nature of war results in large part from the hostile feelings that war inevitably invokes and evokes, on the battlefield and at home. "If war is an act of force, the emotions cannot fail to be involved"[3] --- and those war involves are among the most powerful in human experience.

The dominant emotions on the battlefield are triggered by danger and fear: "Without an accurate conception of danger we cannot understand war."[4] Those who have been to war know what he means. Those of us who haven't can begin to understand through books and film, *Black Hawk Down* being the current favorite. In a long paragraph important enough to be quoted here in full, Clausewitz, to contrast the soldier's experience of war with the scholar's examination of it, vividly describes a novice soldier's introduction to the terrifying realities of the battlefield:

> …As we approach the rumble of guns grows louder and alternates with the whir of cannonballs, which begin to attract his attention. Shots begin to strike close around us. We hurry up the slope where the commanding general is stationed with his large staff. Here cannonballs and bursting shells are frequent, and life begins to seem more serious than the young man had imagined. Suddenly someone you know is wounded; then a shell falls among the staff. You notice that some of the officers act a little oddly; you yourself are not as steady and collected as you were: even the bravest can become slightly distracted. Now we enter the battle raging before us, still almost like a spectacle, and join the nearest divisional commander. Shot is falling like hail, and the thunder of our own guns adds to the din. Forward to the brigadier, a soldier of acknowledged bravery, but he is careful to take cover behind a rise, a house or a clump of trees. A noise is heard that is a certain indication of increasing danger --- the rattling of grapeshot on roofs and on the ground. Cannonballs tear past, whizzing in all directions, and musketballs begin to fall around us. A little further we reach the firing line, where the infantry endures the hammering for hours with incredible steadfastness. The air is filled with hissing bullets that sound like a sharp crack if they pass close to one's head. For a final shock, the sight of men being killed and mutilated moves our pounding hearts to awe and pity.[5]

Clausewitz observes that in war, "The novice cannot pass through these layers of increasing intensity of danger without sensing that here ideas are governed by other

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[1] Edited and translated by Michael Howard and Peter Paret, Princeton University Press, 1976, p.77.
[2] *Ibid*., p.76.
[3] *Ibid.*
[4] *Ibid*., p.114.
[5] *ibid*., p.113.

factors, that the light of reason is refracted in a manner quite different from that which is normal in academic speculation."[6] War in the classroom and war on the battlefield are two different phenomena: The first unfolds in safety, while the latter is fraught with danger, fear, and anger.

But the emotions that drive war are not confined to the battlefield. Indeed, some of the most powerful of them are well away from the sounds of the guns. Clausewitz identifies them as one element of his famous trinity:

> As a total phenomenon its dominant tendencies always make war a remarkable trinity --- composed of primordial violence, hatred, and enmity, which are to be regarded as a blind natural force; of the play of chance and probability within which the creative spirit is free to roam; and of its element of subordination, as an instrument of policy, which makes it subject to reason alone.[7]

Interestingly, the "primordial violence, hatred, and enmity," Clausewitz tells us, reside not in the soldier on the battlefield, but rather "this blind natural force…mainly concerns the people" of the nation at war. "The passions that are to be kindled in war must already be inherent in the people."[8] Remember that Clausewitz had been on the receiving end of Napoleonic warfare and the *levee en masse*, so he understood the nation mobilized for war.

Danger, fear, and anger on the battlefield, combined with primordial violence, hatred, and enmity back home: It all adds up to a potent witch's brew of emotions --- no wonder that war drives towards extremes! But, Clausewitz's trinity contains not only the emotions that drive war towards the extreme, but also the principal source of restraint on those powerful emotions --- "its element of subordination, as an instrument of policy, which makes it subject to reason alone." Policy and reason bring us to Clausewitz's starting point for strategy --- the political objective.

> No one starts a war --- or rather, no one in his sense ought to do so --- without first being clear in his mind what he intends to achieve by that war and how he intends to conduct it. The former is its political purpose [or objective]; the latter its operational [or military] objective. This is the governing principle which will set its course, prescribe the scale of means and effort which is required, and make its influence felt throughout down to the smallest operational detail.[9]

For Clausewitz the political objectives drive everything else: "The political [objective] is the goal, war is the means of reaching it, and means can never be

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[6] See the first two paragraphs of Book One, Chapter Four, *Ibid*., p. 113.
[7] *Ibid*., p.89.
[8] *Ibid*.
[9] *Ibid*., p.579.

considered in isolation from their purpose."[10] Everything else in war must be subordinated to, must serve, the political objectives.

Political objectives must be defined at the very beginning:

> The first, the supreme, the most far-reaching act of judgment the statesman and commander have to make is to establish…the kind of war on which they are embarking; neither mistaking it for, nor trying to turn it into, something that is alien to its nature. This is the first of all strategic questions, and the most comprehensive.[11]

Political leadership sets the political objectives, which in turn define "the kind of war" on which the nation is embarking, and strategy ensures that the war is conducted so as to serve and achieve *those* political objectives --- and *only those* political objectives. "War, therefore, is an act of policy."[12]

Strategy, then, can usefully be thought of as the art and science of how policy --- and policymakers --- wrestle to the ground primordial violence, hatred, and enmity and the other powerful emotions of war --- on the battlefield, at higher headquarters, in the corridors of power, and among the people. Strategy makes these emotions, and the violence they generate, purposeful. It channels them, constrains them, directs and limits them so as to make them productive, that is, so that they serve the interests of the state as defined by the political objectives of the war.

All strategy is about ends and means, and for Clausewitz there is an iron relationship between the two: means must be kept proportionate to ends. The means include not only the forces to be committed to the effort, but the casualties that will be incurred, and the other financial, political, and social costs of the war effort. "Since war is not an act of senseless passion, but is controlled by its political [objective], the value of this [objective] must determine the sacrifices to be made for it in magnitude and duration. Once the expenditure of effort exceeds the value of the political [objective], the [objective] must be renounced and peace must follow."[13]

Here Clausewitz's view on the relationship between ends and means runs is very different from that expressed in the famous line from General Douglas MacArthur: "There is no substitute for victory." MacArthur seems to be saying that victory in war is so important that *no* price is too high to pay. In contrast, Clausewitz argues that victory is defined by achieving the political objectives, and that every political objective has its own price, determined by the value of the political objective, and that one should never pay a price for victory higher than the value of that particular political objective. If it can't be "purchased" at its proper price, then it shouldn't be "bought" at all.

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[10] *Ibid*., p.87.
[11] *Ibid*., pp.88-89.
[12] *Ibid.*
[13] *Ibid*., p.92.

At times, everything else seems to conspire against this iron linkage. Even when two nations begin a war with limited political objectives, and they commit forces, and are willing to keep costs, proportionate to the value of those political objectives, the internal dynamics of war, the struggle between contending forces and wills, the pursuit of victory and the desire to avoid defeat --- all tend to push things out of control. One side finds itself losing, and escalates its effort. Then the other, finding itself losing, does the same.

> Such an interaction could lead to a maximum of effort if such a maximum could be defined. But in that case all proportion between action and political demands would be lost: means would cease to be proportionate to ends, and in most cases a policy of maximum exertion would fail on account of the domestic problems it would raise.
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> In this way the belligerent is again driven to adopt a middle course. He would act on the principle of using no greater force, and setting himself no greater military aim, than would be sufficient for the achievement of his political purpose. To turn this principle into practice he must renounce the need for absolute success in each given case, and he must dismiss remoter possibilities from his calculations.[14]

This iron linkage, this strict application of strategy, this politically imposed restraint are how and why "Warfare thus eludes the strict requirement that extremes of force be applied."[15]

It is *strategy* that must establish and enforce this iron relationship, and in doing so, it runs counter to some of our deepest, most basic, and most powerful emotions. Strategy is a demanding taskmaster. Each war can be --- and should be --- limited so as to serve the particular set of political objectives that define it. It can be --- and should be --- limited by government policy, which must restrain the primordial violence, hatred, and enmity that drive war out of control. There is a standard against which the conduct of war should be measured --- the political objectives --- and there is someone responsible for holding it to that standard --- political leadership. This is the essence of strategy.

## III. Ethics

If for Clausewitz strategy is the effort to prevail over primordial violence, hatred, and enmity, then for the earliest author of Just War principles, the fifth-century African bishop, Augustine of Hippo, and for his religious successors in the Just War tradition, ethics is perhaps the effort to prevail over the effects of original sin.

Though it certainly has been invoked to justify war, the Just War tradition's basic aim and contribution has been to limit both the resort to war and the conduct of war. Customarily divided into the *jus ad bellum*, which limits the resort to war, and the *jus in*

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[14] *Ibid*., p.585.
[15] *Ibid*., p.80.

*bello*, which limits the conduct of war, the Just War tradition, put another way, limits the why, when, and how of war.

Two of the jus ad bellum criteria restrict the morally acceptable reasons for going to war --- the why. *Just cause* says, in effect, that not all political objectives clear the bar for what is a morally legitimate reason for resorting to war. While there have certainly been heated debates over what constitutes just cause, and while authoritative thinking on this issue has evolved over the millennia, self-defense and defense of a third party under attack have been the prevailing, most consistently endorsed "just causes" for war.

In the aftermath of the Holocaust, the civilized world added prevention of genocide to the list of just causes, formally declaring it in a United Nations General Assembly resolution,[16] but generally articulating it in the two-word slogan "Never Again."

In the 1990s, the debates raged over just which humanitarian crises (how much suffering, of what kind, by how many people, for how long) constituted legitimate just causes for outside military intervention.

But at no period in history has the Just War tradition sanctioned any and all political objectives established by governments; the thrust of the tradition has been to constrain the list of morally acceptable reasons for going to war, or even for outside military intervention short of war.

A second *jus ad bellum* criterion --- right intention --- also serves to constrain governments on their decisions about war, on the why of war. This is a criterion of conscience, which says that the declared reason for going to war has to constitute a just cause, and that the declared reason is the real reason. This is a "no-hidden-agendas" criterion. Expressed in arithmetic terms, it says: declared reason = real reason = just cause.

Four additional *jus ad bellum* criteria serve to limit *when* it is morally acceptable to go to war --- proper authority, proportionality, probability of success, and last resort.

Proper authority says that only the duly constituted government of the nation is morally empowered to declare war. War is not the legitimate business of any group of citizens, no matter how just their cause or sincere their intentions.

In the 1990s debates over humanitarian intervention, there was much discussion over, outside the self-defense and defense of third parties against aggression cases, whether some level, and what level, of multilateral authorization should be required for humanitarian interventions, both to protect sovereignty and to restrain the impulses of powerful nations.

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[16] The Convention on the Prevention and Punishment of the Crime of Genocide. See United Nations General Assembly Res. 260A(III), UN Doc. A/760, at 9(1948).

In the U.S. constitutional system, one could extend the principle of proper authority down one step and argue that only the legislative branch constitutes proper authority, or at least that the president alone does not constitute such.

But all formulations of proper authority limit who has legitimate moral authority to take a nation to war.

In the *jus ad bellum,* proportionality says that the harm that will be done in and by the war must not outweigh the overall good to be accomplished by the war. Of course, such judgments are made prospectively with only limited ability to predict how events will play out once the shooting starts. There are, of course, no guarantees, but proportionality drives the statesman to make reasonable, conscientious, and prudent calculations, and not to use rose-colored glasses in the attempt, and not to succumb to the temptations of overly optimistic assumptions and scenarios.[17]

A slight detour here. Conventional wisdom seems to argue that the contemporary U.S. doctrine of "overwhelming force" violates proportionality. I disagree. The two concepts seem similar, but in fact are quite distinct and different. Overwhelming force has to do with how much force one side commits, compared with how much the other side commits in a conflict. Proportionality has to do with how much harm is done, compared with how much good is accomplished. Overwhelming force has to do with the ratio of *inputs*, proportionality with the ratio of *outcomes*. Thus while in some scenarios, overwhelming force could produce more harm than good, it does not inevitably do so. Thus overwhelming force does not necessarily violate proportionality.

Another criterion, probability of success, also serves to limit the resort to force, by placing a burden on the statesman to ascertain whether his war effort has a reasonable probability of achieving the just cause that triggers it. Here too, there are no guarantees and no mathematical formula to calculate the results. As with proportionality, with probability of success, one is in the realm not of mathematics, but of reasoned and reasonable judgment. Here the Just War tradition runs counter to some of our most treasured stories, factual and fictional, of valiant but futile struggles, stories that embody some of the values and virtues we celebrate. But the Just War tradition does not approve, let alone encourage, futile wars, no matter how noble or just the cause, and no matter how valiant and self-sacrificing the soldiers. Here too, there is an echo of the realm of military strategy: Probability of success sounds much like what military planners call "feasibility."

A fourth *jus ad bellum* criterion --- last resort --- also serves to limit when a nation may embark on war. Again, prudence and judgment are the order of the day, not mathematics or absolute requirements abstracted from reality. Last resort drives the statesman either to try other, non-violent means to resolve the conflict or issue at hand, or to ascertain that other means or instruments of statecraft cannot achieve the political objectives, or accomplish the just cause. Once again, one hears echoes of the world of

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[17] Clausewitz caution that the strategist "must dismiss remoter possibilities from his calculations" incorporates the same burden of rigorous calculations. See fn. 14 above.

political-military deliberation and debate, for example, the "let's-give-sanctions-a-chance" argument often invoked to delay or defer resort to military force in times of crisis, for example, in the lead-up to Desert Storm.

Taken together, these four jus ad bellum criteria place limits on *when* it is morally acceptable to wage war. They place serious burdens on political leaders to take difficult, often time-consuming, procedural and substantive steps before launching on a war, no matter how just the cause. Added to the two criteria of intention --- just cause and right intention --- they constitute an at-times formidable set of hurdles, each of which has equal merit and weight. Indeed, the tradition holds that all six must be met; even five out of six does not meet the traditional standard.

The second set of the Just War criteria --- the *jus in bello* --- are clearly in the realm of limits on how war may be conducted. The tradition holds that the two sets of criteria are independent, that, if you will, all four combinations are possible --- a just war waged justly, an just war waged unjustly, an unjust war waged justly, and an unjust war waged unjustly. The Just War tradition does not hold that the ends justify the means, i.e., that even if the war is just (according to the six jus ad bellum criteria), not all means are permissible in pursuit of that just war.

The *jus in bello* criteria limit both intention and consequences. The first criterion --- discrimination --- limits who may be attacked, and the second --- proportionality --- places limits on the acceptable bad consequences, intended and unintended.

Discrimination is in the realm of intention. The underlying principle here is non-combatant immunity, which states that non-combatants may never be the object of a deliberately intended direct attack. Some clarification is in order here. The distinction is between combatants and non-combatants, not precisely between military personnel and civilians. Some military personnel, even while still wearing uniforms, may not be attacked --- for example, those who have surrendered, or who are seriously wounded and out of the fight --- because they are non-combatants. On the other hand, some civilians may be attacked --- for example, those driving ammunition trucks to the front-line to re-supply enemy troops, or those working their shift in a tank factory turning out the engines of war --- because they are combatants.

The combatant/non-combatant distinction places severe limits on how war may be conducted --- by restricting who may be targeted or attacked. Non-combatants are those who "have done nothing, and are doing nothing, that entails the loss of their rights,"[18] including the right not to be attacked. They are, as Michael Walzer describes them, "not currently engaged in the business of war."[19]

Proportionality, in the *jus in bello* sense, says that the harm that is done in any particular military operation, may not exceed the good that is accomplished by that particular military operation. It is the same concept as in *jus ad bellum*, only here it is

[18] Michael Walzer, *Just & Unjust Wars*, p. 146.
[19] *Ibid*., p. 43

applied at a lower level, not that of the overall war. *Jus in bello* proportionality does not allow one to "cook the books," i.e., by measuring the harm done in a particular military operation (a raid, or an assault, or a bombing run) against the good to be accomplished by the overall war. Such calculations would make the concept meaningless in any just war. Proportionality is the realm of collateral damage. The *jus in bello* acknowledges that non-combatants will, almost inevitably, be killed in war unintentionally. It does require, however, that those unintended good effects not outweigh the good effects. Proportionality is all about consequences.

Taken together, then, the *jus in bello* criteria cover both intentions and consequences, and in both cases limit how wars, even just wars, may be conducted. *Jus in bello* says that all violence in war must be both discriminate and proportional. Any violence that is not militarily necessary violates *jus in bello*, but not all violence that is deemed militarily necessary is morally permissible; to pass that test, it must meet the criteria of discrimination and proportionality.

The two sets of Just War criteria --- *jus ad bellum* and *jus in bello* --- combine to place limits, at times stringent limits, on the resort to war and the conduct of war --- why, when, and how war may be waged. Both sets involve an ethic of intent and an ethic of consequences, and both require formidable judgments in advance about an uncertain future whose specifics and even contours may defy precise prediction.

While the above discussion hardly exhausts all that is worth saying about the relationship between strategy and ethics, it does, I hope, first, refute one common argument, i.e., that the two sets of concepts are fundamentally opposed to each other, and, second, persuasively advance another, i.e., that the two can and sometimes do point in the same direction --- towards placing limits on the resort to war and on the conduct of war. There are certainly times when the two logics and languages are in tension with each other, but there are also times when the demands of the two can be reconciled in ways that do not do serious damage to either one. It *is* possible to wage a just war justly and successfully!

Going to war, or even committing military forces in contingencies short of war, is among the most weighty decisions a nation, through its political leaders, makes. In the best of circumstances, this is an excruciatingly difficult business, as military history illustrates in at times painful detail. If we are to do better, if we are to do as well as we could and should, at this inherently difficult business, we need statesmen and soldiers, scholars and citizens, who, if not fluent in the two languages of strategy and ethics, and if not masters of both logics, are at least conversant with and minimally competent in both.

Thank you.